AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT

Northern District of Georgia

Richard Burnett	)
Plaintiff	) Civil Action No. 1:20-CV-03959-ELR
v.	Civil Action No. 1:20-CV-03959-ELR
Amazon.com, et al.	)
Defendant	)
SUBPOENA TO PRODUCE DOCUM OR TO PERMIT INSPECTION (	IENTS, INFORMATION, OR OBJECTS OF PREMISES IN A CIVIL ACTION
To: Local 926-Internationa 6521 Dale F	I Union of Operating Engineers Road, Rex, GA 30273
(Name of person to	whom this subpoena is directed)
<b>♦</b> Production: <b>YOU ARE COMMANDED</b> to production, electronically stored information, or objects, a material: See "Exhibit A" attached.	uce at the time, date, and place set forth below the following and to permit inspection, copying, testing, or sampling of the
Place: Hawkins Parnell & Young, LLP	Date and Time:
303 Peachtree Street, NE, Suite 4000 Atlanta, Georgia	06/14/2021 5:00 pm
Inspection of Premises: YOU ARE COMMAND other property possessed or controlled by you at the time, may inspect, measure, survey, photograph, test, or sample	ED to permit entry onto the designated premises, land, or date, and location set forth below, so that the requesting party the property or any designated object or operation on it.
Place:	Date and Time:
Rule 45(d), relating to your protection as a person subject respond to this subpoena and the potential consequences of	attached – Rule 45(c), relating to the place of compliance; to a subpoena; and Rule 45(e) and (g), relating to your duty to f not doing so.
Date:05/21/2021	01/
CLERK OF COURT	OR
Signature of Clerk or Deputy C	llerk Attorney's signature
The name, address, e-mail address, and telephone number	of the attorney representing (name of party) Amazon.com, Inc.
and Amazon.com Services, LLC	, who issues or requests this subpoena, are:
	nta, Georgia 30308-3243; wellis@hpylaw.com; 404-614-7400
	ssues or requests this subpoena

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:20-CV-03959-ELR

#### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

on (date)	-			-		
	I served	the subpoena t	oy delivering a copy to	he named p	erson as follows:	
	Certified Ma	ail, Return Rec	eipt			
-					on (date) ;	or
	☐ I returne	d the subpoens	a unexecuted because:	-		
	tendered to				s, or one of its officers or agents, I the mileage allowed by law, in the	
	\$					
My fees	s are \$	0.00	for travel and \$	0.00	for services, for a total of \$	0.00
	I declare un	der penalty of	perjury that this inform	ation is true		
Date:		<del></del>	-		Server's signature	
					Printed name and title	

Additional information regarding attempted service, etc.:

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

#### Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

#### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

#### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
  - (ii) ensures that the subpoenaed person will be reasonably compensated.

#### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

**EXHIBIT "A" TO SUBPOENA** 

EMPLOYER: Local 926 — International Union of Operating Engineers

LOCATION: 6521 Dale Road, Rex, Georgia 30273

Re: Richard Janssen Burnett; Birth Year: 1981

NOTE A: These requests shall include any documents in the possession or

control of you, your agents, representatives, and, unless privileged, your attorney of

record.

**NOTE B:** These requests are continuing in nature so as to require you to

produce supplemental documents as soon as you, your investigators, representatives,

and/or agents obtain same or access to same in accordance with the Federal Rules of

Civil Procedure.

**NOTE C:** The term "documents" refer to all documents and tangible things

subject to discovery under the Federal Rules of Civil Procedure, including, but not

limited to, any written, printed, typed or recorded material, correspondence,

memoranda, notes, reports, ledgers, books, drawings, blueprints, surveys, plats,

graphs, contracts, bids, proposals, invoices, receipts, diaries, desk calendars, notes

of telephone conversations or other communications, videotapes, audiotapes, or

transcriptions thereof, microfilm, photographs, slides, computer diskettes, hard

drives, tape backups and other information and data storage devices, electronic mail,

computerized data bases, and all other data compilations from which information

can be obtained. Documents also include any copy of which a comment, notation or

other addition has been made or which has been otherwise altered or changed in any other manner.

NOTE D: If you claim that any documents are lost, destroyed or privileged,

(i) identify and describe each such document by date, author, and recipient, (ii) provide a brief summary of its contents, and (iii) state the privilege(s) asserted.

The requested documents are as follows:

1.

A copy of your entire personnel file, including but not limited to applications, reviews, wages/hourly rates, overtime pay, per diems, bonuses, evaluations, insurance, certifications, communications with or about the above-named employee, benefits, health insurance and/or other medical information, disability or injury claims, discipline history, complaints and leaves of absences for **Richard Janssen Burnett**.

2.

Copies of <u>all</u> documents specifying any and all cranes, equipment, and/or heavy machinery operated by **Richard Janssen Burnett** with Local 926-International Union of Operating Engineers.

3.

Any and all documentation describing the job duties, physical requirements, job descriptions, and job title of **Richard Janssen Burnett** with Local 926-

International Union of Operating Engineers.

4.

Any and all other records and/or accounting/personnel/claim documents in your possession related to your professional association, union, employment and/or membership and including any documents to add or separate **Richard Janssen Burnett** from any employment or policy.

# IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

RICHARD BURNETT,	)
Plaintiff,	) ) CIVIL ACTION FILE NO.
<b>V.</b>	) 1:20-cv-03959-ELR
AMAZON.COM, INC.; AMAZON.COM SERVICES, LLC; BRASK PET SUPPLY; AND DOES 1-50,	) ) ) )
Defendants.	)
<b>INFORMATION, OR</b>	NA TO PRODUCE DOCUMENTS, OBJECTS OR TO PERMIT ON OF PREMISES
COMES NOW, LOCAL	926-INTERNATIONAL UNION OF
OPERATING ENGINEERS, and re	sponds to the Subpoena, as follows:
Please indicate the appropriate respon	se below:
[ ] Copies of the requested r	naterials have been attached.
[ ] The materials requested v	will be produced at the designated address.
[ ] The materials requested of	do not exist.
AF	FFIDAVIT
Personally appeared before me	e, an officer authorized by law to administer
oaths, came	
·	, who after being duly sworn

INTERNATIONAL UNION OF OPERATING ENGINEERS; that any and all copies attached hereto are true and correct copies; made at or near the time of the described acts, events, conditions, opinions, or diagnoses; made by, or from information transmitted by, a person with personal knowledge and a business duty to report; kept in the course of a regularly conducted business activity; and it was the regular practice of the business activity to make the memorandum, report, record, or data compilation; and that the attached constitutes all responsive materials requested.

Dated this day of _	, 2021.
	Records Custodian for LOCAL 926-INTERNATIONAL UNION OF OPERATING ENGINEERS Name:
Sworn to and subscribed before methis day of	
Notary Public	

# IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

RICHARD BURNETT,	)	
-1.1.100	)	
Plaintiff,	)	CHAIL A COLON EILE MO
	)	CIVIL ACTION FILE NO.
V.	)	1:20-cv-03959-ELR
	)	
AMAZON.COM, INC.;	)	
AMAZON.COM SERVICES,	)	
LLC; BRASK PET SUPPLY;	)	
AND DOES 1-50,	)	
	)	
Defendants.	)	

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the within and foregoing DEFENDANT AMAZON.COM, INC.'S SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES TO LOCAL 926-INTERNATIONAL UNION OF OPERATING ENGINEERS was served by depositing in the United States Mail a copy of same in an envelope with adequate postage thereon, addressed as follows:

Frank M. Gaither, Jr.
LAW OFFICES OF McLAUGHLIN &
REAM
365 North Interstate Pkwy, Suite 375
Atlanta, Georgia 30339

William A. Levin Angela J. Nehmens LEVIN SIMES ABRAMS, LLP 1700 Montgomery Street, Suite 2500 San Francisco, California 94111 David A. Sleepy CATHY & STRAIN, LLC P.O. Box 689 Cornelia, Georgia 30531

DATED this 21st day of May, 2021.

# HAWKINS PARNELL & YOUNG LLP



303 Peachtree Street, NE, Suite 4000 Atlanta, GA 30308 Tel: (404) 614-7400 wellis@hpylaw.com cwalker@hpylaw.com

Willie C. Ellis Jr.
Georgia Bar No. 246116
Mark Coleman Walker Jr.
Georgia Bar No. 688704
Counsel for Defendants Amazon.com,
Inc. and Amazon.com Services, LLC

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

Richar	d Burnett	)	
Pl	aintiff	)	4.20 CV 02050 ELD
	V.	) Civil Action No.	1:20-CV-03959-ELR
Amazon	.com, et al.	)	
	fendant	)	
	DENA TO PRODUCE DOCUM TO PERMIT INSPECTION O		
То:	1560 Veterans Memorial Hi		
	(Name of person to w	hom this subpoena is directed	
	stored information, or objects, and		place set forth below the following opying, testing, or sampling of the
Place: Hawkins Parnell &	Young, LLP	Date and Time:	
	reet, NE, Suite 4000	0	6/14/2021 5:00 pm
other property possessed of	nises: YOU ARE COMMANDE or controlled by you at the time, day vey, photograph, test, or sample the	ite, and location set forth	below, so that the requesting party
Rule 45(d), relating to you respond to this subpoena a	ovisions of Fed. R. Civ. P. 45 are a person subject to and the potential consequences of	a subpoena; and Rule 4.	ating to the place of compliance; 5(e) and (g), relating to your duty to
Date:05/21/2021			010
	CLERK OF COURT	OR	Q
	Signature of Clerk or Deputy Cle	rk	Attorney's signature
and Amazon.com Services	·	, who issue	Amazon.com, Inc. es or requests this subpoena, are: wellis@hpylaw.com; 404-614-7400
VVIIIIG O. LIII3, 01., 000 F 60	John Co Ott., NE, Oune 4000, Allant	a, 500/gla 50000 0240,	

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:20-CV-03959-ELR

#### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

(date)					
I serv	ed the subpoena	by delivering a copy to	the named p	erson as follows:	
Certified	Mail, Return Red	ceipt			
				on (date)	; or
☐ I retu	ned the subpoen	a unexecuted because:			
Unless the	ne subpoena was to the witness th	issued on behalf of the le fees for one day's atte	United State ndance, and	s, or one of its officers or agents, the mileage allowed by law, in th	I have also e amount of
\$					
fees are \$	0.00	for travel and \$	0.00	for services, for a total of \$	0.00
I declare	under penalty of	f perjury that this inform	ation is true		
te:		-		Server's signature	
				server's signature	
		-		Printed name and title	
		-		Server's address	

Additional information regarding attempted service, etc.:

# **EXHIBIT "A" TO SUBPOENA**

EMPLOYER: Maxim Crane Works, L.P.
LOCATION: 1560 Veterans Memorial Hwy SE, Mableton, GA 30126
Re: Richard Janssen Burnett; Birth Year: 1981

**NOTE A:** These requests shall include any documents in the possession or control of you, your agents, representatives, and, unless privileged, your attorney of record.

**NOTE B:** These requests are continuing in nature so as to require you to produce supplemental documents as soon as you, your investigators, representatives, and/or agents obtain same or access to same in accordance with the Federal Rules of Civil Procedure.

NOTE C: The term "documents" refer to all documents and tangible things subject to discovery under the Federal Rules of Civil Procedure, including, but not limited to, any written, printed, typed or recorded material, correspondence, memoranda, notes, reports, ledgers, books, drawings, blueprints, surveys, plats, graphs, contracts, bids, proposals, invoices, receipts, diaries, desk calendars, notes of telephone conversations or other communications, videotapes, audiotapes, or transcriptions thereof, microfilm, photographs, slides, computer diskettes, hard drives, tape backups and other information and data storage devices, electronic mail, computerized data bases, and all other data compilations from which information can be obtained. Documents also include any copy of which a comment, notation or

other addition has been made or which has been otherwise altered or changed in any other manner.

NOTE D: If you claim that any documents are lost, destroyed or privileged,

(i) identify and describe each such document by date, author, and recipient, (ii) provide a brief summary of its contents, and (iii) state the privilege(s) asserted.

The requested documents are as follows:

1.

A copy of your entire personnel file, including but not limited to applications, reviews, wages/hourly rates, overtime pay, per diems, bonuses, evaluations, certifications, benefits, health insurance and/or other medical information, disability or injury claims, discipline history, complaints and leaves of absences and communications with or about **Richard Janssen Burnett**.

2.

Any and all documentation describing the job duties, physical requirements, job descriptions and job title of **Richard Janssen Burnett** with Maxim Crane Works, L.P.

3.

Any and all other records and/or accounting/personnel/claim documents in your possession related to your professional association, company, employment and/or limited partnership and including any documents to add or separate **Richard** 

Janssen Burnett from any employment or policy.

# IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

RICHARD BURNETT,	)
Plaintiff, v.  AMAZON.COM, INC.; AMAZON.COM SERVICES, LLC; BRASK PET SUPPLY; AND DOES 1-50,	) ) ) CIVIL ACTION FILE NO. ) 1:20-cv-03959-ELR ) ) ) )
Defendants.	) )
INFORMATION, O INSPECT	ENA TO PRODUCE DOCUMENTS, R OBJECTS OR TO PERMIT ION OF PREMISES RANE WORKS, L.P., and responds to the
Subpoena, as follows:	
Please indicate the appropriate response	onse below:
[ ] Copies of the requested	materials have been attached.
[ ] The materials requested	d will be produced at the designated address.
[ ] The materials requested	d do not exist.
<u>A</u>	AFFIDAVIT
Personally appeared before n	me, an officer authorized by law to administer
oaths, came	, who after being duly sworn
states under oath as follows: that	he/she is the records custodian for MAXIM

CRANE WORKS, L.P.; that any and all copies attached hereto are true and correct copies; made at or near the time of the described acts, events, conditions, opinions, or diagnoses; made by, or from information transmitted by, a person with personal knowledge and a business duty to report; kept in the course of a regularly conducted business activity; and it was the regular practice of the business activity to make the memorandum, report, record, or data compilation; and that the attached constitutes all responsive materials requested.

Dated this	_day of	, 2021.
		Records Custodian for MAXIM CRANE WORKS, L.P., Name:
		(Print)
Sworn to and subscribed this day of		
Notary Public		

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

RICHARD BURNETT,	)	
Plaintiff,	)	CIVIL ACTION FILE NO.
v.	)	1:20-cv-03959-ELR.
AMAZON.COM, INC.;	)	
AMAZON.COM SERVICES, LLC; BRASK PET SUPPLY;	)	
AND DOES 1-50,	)	
D 0 1	)	
Defendants.	)	

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the within and foregoing **DEFENDANT AMAZON.COM, INC.'S SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES TO MAXIM CRANE WORKS, L.P.**, was served by depositing in the

United States Mail a copy of same in an envelope with adequate postage thereon,

addressed as follows:

Frank M. Gaither, Jr.
LAW OFFICES OF McLAUGHLIN &
REAM
365 North Interstate Pkwy, Suite 375
Atlanta, Georgia 30339

William A. Levin Angela J. Nehmens LEVIN SIMES ABRAMS, LLP 1700 Montgomery Street, Suite 2500 San Francisco, California 94111 David A. Sleepy CATHY & STRAIN, LLC P.O. Box 689 Cornelia, Georgia 30531

DATED this 21st day of May, 2021.

# HAWKINS PARNELL & YOUNG LLP

Q#

303 Peachtree Street, NE, Suite 4000 Atlanta, GA 30308 Tel: (404) 614-7400 wellis@hpylaw.com

cwalker@hpylaw.com

Willie C. Ellis Jr.
Georgia Bar No. 246116
Mark Coleman Walker Jr.
Georgia Bar No. 688704
Counsel for Defendants Amazon.com,
Inc. and Amazon.com Services, LLC

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

Richa	rd Burnett		
P	laintiff )		4:00 OV 02050 ELB
	v. )	Civil Action No.	1:20-CV-03959-ELR
Amazor	n.com, et al.		
	efendant )		
SUBP(	OENA TO PRODUCE DOCUMENT R TO PERMIT INSPECTION OF PR	S, INFORMATIO EMISES IN A CIV	N, OR OBJECTS VIL ACTION
То:	CT Corporation System, M 289 S. Culver St. Lawrence	eville, GA 30046-48	305
	(Name of person to whom t	his subpoena is directed,	
documents, electronically material: See "Exhibit A"	U ARE COMMANDED to produce at stored information, or objects, and to pattached.	the time, date, and poermit inspection, co	opying, testing, or sampling of the
Place: Hawkins Parnell	& Young, LLP	Date and Time:	
303 Peachtree S Atlanta, Georgia	treet, NE, Suite 4000	O C	06/14/2021 5:00 pm
other property possessed may inspect, measure, su	or controlled by you at the time, date, a rvey, photograph, test, or sample the pr	and location set forth operty or any design Date and Time:	n below, so that the requesting party nated object or operation on it.
Rule 45(d), relating to yo	rovisions of Fed. R. Civ. P. 45 are attack our protection as a person subject to a su and the potential consequences of not of	ibpoena; and Rule 4	ating to the place of compliance; 5(e) and (g), relating to your duty to
Date.			Qy .
	CLERK OF COURT	OR	()
	Signature of Clerk or Deputy Clerk		Attorney's signature
and Amazon.com Service		, who issu	es or requests this subpoena, are:
Willie C. Ellis, Jr.; 303 Pe	eachtree St., NE, Suite 4000, Atlanta, G	eorgia 30308-3243;	wellis@hpylaw.com; 404-614-7400
		4 41 1	

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:20-CV-03959-ELR

#### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

on (date)			O <b>r</b> (name of individual and tit	=		
Ø I	served the	e subpoena b	y delivering a copy to the	ne named po	erson as follows:	
Cer	rtified Mail,	Return Rec	eipt			
-					on (date)	; or
ΟI	returned t	he subpoena	unexecuted because:	-		
					s, or one of its officers or agents, the mileage allowed by law, in the	
Φ			·			
My fees are	\$	0.00	for travel and \$	0.00	for services, for a total of \$	0.00
I de	clare under	r penalty of	perjury that this informa	tion is true.		
ate:					Server's signature	
			-		Printed name and title	
					Server's address	

Additional information regarding attempted service, etc.:

AO 88B (Rev. 02/14) Subpocna to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

#### Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

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- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees-on a party or attorney who fails to comply.

#### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c),
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

#### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

 (2) Claiming Privilege or Protection.
 (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

#### (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court-may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

**EXHIBIT "A" TO SUBPOENA** 

EMPLOYER: Maxim Crane Works, L.P.

LOCATION: 1560 Veterans Memorial Hwy SE, Mableton, GA 30126

Re: Richard Janssen Burnett; Birth Year: 1981

NOTE A: These requests shall include any documents in the possession or

control of you, your agents, representatives, and, unless privileged, your attorney of

record.

**NOTE B:** These requests are continuing in nature so as to require you to

produce supplemental documents as soon as you, your investigators, representatives,

and/or agents obtain same or access to same in accordance with the Federal Rules of

Civil Procedure.

**NOTE C:** The term "documents" refer to all documents and tangible things

subject to discovery under the Federal Rules of Civil Procedure, including, but not

limited to, any written, printed, typed or recorded material, correspondence,

memoranda, notes, reports, ledgers, books, drawings, blueprints, surveys, plats,

graphs, contracts, bids, proposals, invoices, receipts, diaries, desk calendars, notes

of telephone conversations or other communications, videotapes, audiotapes, or

transcriptions thereof, microfilm, photographs, slides, computer diskettes, hard

drives, tape backups and other information and data storage devices, electronic mail,

computerized data bases, and all other data compilations from which information

can be obtained. Documents also include any copy of which a comment, notation or

13190344v.3

other addition has been made or which has been otherwise altered or changed in any other manner.

NOTE D: If you claim that any documents are lost, destroyed or privileged,

(i) identify and describe each such document by date, author, and recipient, (ii) provide a brief summary of its contents, and (iii) state the privilege(s) asserted.

The requested documents are as follows:

1.

A copy of your entire personnel file, including but not limited to applications, reviews, wages/hourly rates, overtime pay, per diems, bonuses, evaluations, certifications, benefits, health insurance and/or other medical information, disability or injury claims, discipline history, complaints and leaves of absences and communications with or about **Richard Janssen Burnett**.

2.

Any and all documentation describing the job duties, physical requirements, job descriptions and job title of **Richard Janssen Burnett** with Maxim Crane Works, L.P.

3.

Any and all other records and/or accounting/personnel/claim documents in your possession related to your professional association, company, employment and/or limited partnership and including any documents to add or separate **Richard** 

Janssen Burnett from any employment or policy.

# IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

RICHARD BURNETT,	)		
Plaintiff, v. AMAZON.COM, INC.; AMAZON.COM SERVICES, LLC; BRASK PET SUPPLY; AND DOES 1-50,	) ) ) CIVIL ACTION FILE NO. ) 1:20-cv-03959-ELR ) ) )		
Defendants.	)		
RESPONSE TO SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES  COMES NOW, MAXIM CRANE WORKS, L.P., and responds to the			
Subpoena, as follows:			
	materials have been attached.  I will be produced at the designated address.		
<u>A</u>	AFFIDAVIT		
Personally appeared before n	ne, an officer authorized by law to administer		
oaths, came	, who after being duly sworm		
states under oath as follows: that	he/she is the records custodian for MAXIM		

CRANE WORKS, L.P.; that any and all copies attached hereto are true and correct copies; made at or near the time of the described acts, events, conditions, opinions, or diagnoses; made by, or from information transmitted by, a person with personal knowledge and a business duty to report; kept in the course of a regularly conducted business activity; and it was the regular practice of the business activity to make the memorandum, report, record, or data compilation; and that the attached constitutes all responsive materials requested.

Dated this day of _	day of	, 2021.		
		Records Custodian for MAXIM CRANE WORKS, L.P., Name:		
Sworn to and subscribed befo				
this day of		, 2021.		

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

RICHARD BURNETT,	)
Plaintiff,	) ) CIVIL ACTION FILE NO.
V.	) 1:20-cv-03959-ELR
AMAZON.COM, INC.; AMAZON.COM SERVICES, LLC; BRASK PET SUPPLY; AND DOES 1-50,	) ) ) )
Defendants.	, )

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the within and foregoing **DEFENDANT AMAZON.COM, INC.'S SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES TO MAXIM CRANE WORKS, L.P.,** was served by depositing in the United States Mail a copy of same in an envelope with adequate postage thereon, addressed as follows:

Frank M. Gaither, Jr.
LAW OFFICES OF McLAUGHLIN &
REAM
365 North Interstate Pkwy, Suite 375
Atlanta, Georgia 30339

William A. Levin
Angela J. Nehmens
LEVIN SIMES ABRAMS, LLP
1700 Montgomery Street, Suite 2500
San Francisco, California 94111

David A. Sleepy CATHY & STRAIN, LLC P.O. Box 689 Cornelia, Georgia 30531

DATED this 21st day of May, 2021.

# HAWKINS PARNELL & YOUNG LLP



303 Peachtree Street, NE, Suite 4000 Atlanta, GA 30308 Tel: (404) 614-7400 wellis@hpylaw.com cwalker@hpylaw.com

Willie C. Ellis Jr.
Georgia Bar No. 246116
Mark Coleman Walker Jr.
Georgia Bar No. 688704
Counsel for Defendants Amazon.com,
Inc. and Amazon.com Services, LLC

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

P Amazor	Plaintiff )  V. )  n.com, et al. )  efendant )	Civil Action No.	1:20-CV-03959-ELR	
SUBP <sup>0</sup>	OENA TO PRODUCE DOCUMENTS TO PERMIT INSPECTION OF PR	S, INFORMATION EMISES IN A CIV	I, OR OBJECTS IL ACTION	
То:	Southland Process Group, LLC 15 Cody Fowler Road, Suite 100, Commerce, GA 30530			
documents, electronically material: See "Exhibit A"	(Name of person to whom the UARE COMMANDED to produce at a stored information, or objects, and to pattached.	the time, date, and pl	ace set forth below the following pying, testing, or sampling of the	
Place: Hawkins Parnell 303 Peachtree S Atlanta, Georgia	& Young, LLP treet, NE, Suite 4000	Date and Time:	5/14/2021 5:00 pm	
other property possessed	emises: YOU ARE COMMANDED to or controlled by you at the time, date, a rvey, photograph, test, or sample the pro-	nd location set forth	below, so that the requesting party	
Rule 45(d), relating to yo respond to this subpoena	rovisions of Fed. R. Civ. P. 45 are attachour protection as a person subject to a su and the potential consequences of not d	bpoena; and Rule 45	ating to the place of compliance; (e) and (g), relating to your duty to	
Date:05/21/2021	CLERK OF COURT	OR	Qf .	
	Signature of Clerk or Deputy Clerk		Attorney's signature	
and Amazon.com Service	il address, and telephone number of the es, LLC eachtree St., NE, Suite 4000, Atlanta, G	, who issue	s or requests this subpoena, are:	
	Notice to the newson who issues	r requests this sub	noena	

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:20-CV-03959-ELR

# PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

(date)					
I serve	d the subpoena	by delivering a copy to t	the named po	erson as follows:	
Certified I	Mail, Return Re	ceipt			
-				on (date)	; or
I return	ed the subpoen	a unexecuted because:			
Unless the	subpoena was	issued on behalf of the U	United States	s, or one of its officers or agents, I	have also
tendered t	o the witness th	e fees for one day's atter	ndance, and	the mileage allowed by law, in the	e amount of
\$					
fees are \$	0.00	for travel and \$	0.00	for services, for a total of \$	0.00
-					
I declare i	inder penalty of	perjury that this inform	ation is true.		
te:		<u> </u>			
				Server's signature	
		-			
				Printed name and title	

Additional information regarding attempted service, etc.:

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

# Case 1:20-cy-03959-ELR Document 44-1, (Filed 05/21/21, Page 33) of 118

#### (c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be

otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

#### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored

information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

### **EXHIBIT "A" TO SUBPOENA**

EMPLOYER: Southland Process Group, LLC LOCATION: 15 Cody Fowler Road, Suite 100, Commerce, GA 30530

Re: Richard Janssen Burnett; Birth Year: 1981

**NOTE A:** These requests shall include any documents in the possession or control of you, your agents, representatives, and, unless privileged, your attorney of record.

**NOTE B:** These requests are continuing in nature so as to require you to produce supplemental documents as soon as you, your investigators, representatives, and/or agents obtain same or access to same in accordance with the Federal Rules of Civil Procedure.

NOTE C: The term "documents" refer to all documents and tangible things subject to discovery under the Federal Rules of Civil Procedure, including, but not limited to, any written, printed, typed or recorded material, correspondence, memoranda, notes, reports, ledgers, books, drawings, blueprints, surveys, plats, graphs, contracts, bids, proposals, invoices, receipts, diaries, desk calendars, notes of telephone conversations or other communications, videotapes, audiotapes, or transcriptions thereof, microfilm, photographs, slides, computer diskettes, hard drives, tape backups and other information and data storage devices, electronic mail, computerized data bases, and all other data compilations from which information can be obtained. Documents also include any copy of which a comment, notation or

other addition has been made or which has been otherwise altered or changed in any other manner.

NOTE D: If you claim that any documents are lost, destroyed or privileged,

(i) identify and describe each such document by date, author, and recipient, (ii) provide a brief summary of its contents, and (iii) state the privilege(s) asserted.

The requested documents are as follows:

1.

A copy of your entire personnel file, including but not limited to applications, reviews, wages/hourly rates, overtime pay, per diems, bonuses, evaluations, certifications, benefits, health insurance and/or other medical information, disability or injury claims, discipline history, complaints and leaves of absences and communications with or about **Richard Janssen Burnett**.

2.

Any and all documentation describing the job duties, physical requirements, job descriptions and job title of **Richard Janssen Burnett** with Southland Process Group, LLC.

3.

Any and all other records and/or accounting/personnel/claim documents in your possession related to your professional association, company, employment and/or limited partnership and including any documents to add or separate **Richard** 

Janssen Burnett from any employment or policy.

# IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

RICHARD BURNETT,	)		
Plaintiff, v.  AMAZON.COM, INC.; AMAZON.COM SERVICES, LLC; BRASK PET SUPPLY; AND DOES 1-50,	) ) ) CIVIL ACTION FILE NO. ) 1:20-cv-03959-ELR ) ) ) )		
Defendants.	)		
RESPONSE TO SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES  COMES NOW, SOUTHLAND PROCESS GROUP, LLC and responds to			
the Subpoena, as follows:			
Please indicate the appropriate respon	nse below:		
[ ] Copies of the requested	materials have been attached.		
[ ] The materials requested will be produced at the designated address.			
[ ] The materials requested	do not exist.		
<u>Al</u>	FFIDAVIT		
Personally appeared before me	e, an officer authorized by law to administer		
oaths, came	, who after being duly sworn		
states under oath as follows: that he/s	he is the records custodian for SOUTHLAND		

PROCESS GROUP, LLC that any and all copies attached hereto are true and correct copies; made at or near the time of the described acts, events, conditions, opinions, or diagnoses; made by, or from information transmitted by, a person with personal knowledge and a business duty to report; kept in the course of a regularly conducted business activity; and it was the regular practice of the business activity to make the memorandum, report, record, or data compilation; and that the attached constitutes all responsive materials requested.

Dated this day of	, 2021.
	Records Custodian for SOUTHLAND PROCESS GROUP, LLC Name:
Sworn to and subscribed before me	(Print)
this day of,  Notary Public	

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

RICHARD BURNETT,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION FILE NO.
V.	)	1:20-cv-03959-ELR
	)	
AMAZON.COM, INC.;	)	
AMAZON.COM SERVICES,	)	
LLC; BRASK PET SUPPLY;	)	
AND DOES 1-50,	)	
	)	
Defendants.	)	

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the within and foregoing **DEFENDANT AMAZON.COM**, **INC.'S SUBPOENA TO PRODUCE DOCUMENTS**, **INFORMATION**, **OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES TO SOUTHLAND PROCESS GROUP** was served by depositing in the United States Mail a copy of same in an envelope with adequate postage thereon, addressed as follows:

Frank M. Gaither, Jr.
LAW OFFICES OF McLAUGHLIN &
REAM
365 North Interstate Pkwy, Suite 375
Atlanta, Georgia 30339

William A. Levin
Angela J. Nehmens
LEVIN SIMES ABRAMS, LLP
1700 Montgomery Street, Suite 2500
San Francisco, California 94111

David A. Sleepy CATHY & STRAIN, LLC P.O. Box 689 Cornelia, Georgia 30531

DATED this 21st day of May, 2021.

# HAWKINS PARNELL & YOUNG LLP

Of

303 Peachtree Street, NE, Suite 4000 Atlanta, GA 30308 Tel: (404) 614-7400 wellis@hpylaw.com cwalker@hpylaw.com

Willie C. Ellis Jr.
Georgia Bar No. 246116
Mark Coleman Walker Jr.
Georgia Bar No. 688704
Counsel for Defendants Amazon.com,
Inc. and Amazon.com Services, LLC

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

Richar	d Burnett	)	
Ple	aintiff	) Grant N	1:20-CV-03959-ELR
	V,	) Civil Action No.	1.20-07 00000 EE.
Amazon	.com, et al.	)	
Def	fendant	)	
SUBPO OR	DENA TO PRODUCE DOCUMI TO PERMIT INSPECTION OF	ENTS, INFORMATIO F PREMISES IN A CI	ON, OR OBJECTS VIL ACTION
То:	Corporation Service Compar 2 Sun Court, Suite 400,	ny, Southland Process ( Peachtree Corners, GA	Group, LLC 30092
	(Name of person to wi	hom this subpoena is directe	d)
documents, electronically material: See "Exhibit A" a	stored information, or objects, and	d to permit inspection, o	place set forth below the following copying, testing, or sampling of the
Place: Hawkins Parnell 8	k Young, LLP	Date and Time:	
	reet, NE, Suite 4000		06/14/2021 5:00 pm
other property possessed of	mises: YOU ARE COMMANDE or controlled by you at the time, davey, photograph, test, or sample the	ate, and location set for	th below, so that the requesting party
Rule 45(d), relating to you	ovisions of Fed. R. Civ. P. 45 are a cur protection as a person subject to and the potential consequences of	a subpoena; and Rule	elating to the place of compliance; 45(e) and (g), relating to your duty to
Date: 05/21/2021			
	CLERK OF COURT	OR	Qf .
	Signature of Clerk or Deputy Cle	erk	Attorney's signature
and Amazon.com Services		, who iss	ing (name of party) Amazon.com, Inc. ues or requests this subpoena, are: 3; wellis@hpylaw.com; 404-614-7400
VVIIIIE C. EIIIS, JI., 303 FE	aditioo oti, ME, outto 4000, Attain		

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:20-CV-03959-ELR

### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

(date)					
I serve	d the subpoena t	by delivering a copy to t	the named po	erson as follows:	
Certified	Mail, Return Rec	eipt			
				on (date)	; or
☐ I retur	ned the subpoens	a unexecuted because:			
Unless th	e subpoena was i to the witness the	ssued on behalf of the Use fees for one day's atten	Jnited State ndance, and	s, or one of its officers or agents, the mileage allowed by law, in the	I have also le amount of
\$		·			
y fees are \$	0.00	for travel and \$	0.00	for services, for a total of \$	0.00
I declare	under penalty of	perjury that this inform	ation is true		
ite:				Camer's signature	
ite:	<del></del> :			Server's signature	
ite:				Server's signature  Printed name and title	
ite:					
ite:					

Additional information regarding attempted service, etc.:

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

### Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer, or

- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served, If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(Ć) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

#### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

### **EXHIBIT "A" TO SUBPOENA**

EMPLOYER: Southland Process Group, LLC LOCATION: 15 Cody Fowler Road, Suite 100, Commerce, GA 30530 Re: Richard Janssen Burnett; Birth Year: 1981

**NOTE A:** These requests shall include any documents in the possession or control of you, your agents, representatives, and, unless privileged, your attorney of record.

**NOTE B:** These requests are continuing in nature so as to require you to produce supplemental documents as soon as you, your investigators, representatives, and/or agents obtain same or access to same in accordance with the Federal Rules of Civil Procedure.

NOTE C: The term "documents" refer to all documents and tangible things subject to discovery under the Federal Rules of Civil Procedure, including, but not limited to, any written, printed, typed or recorded material, correspondence, memoranda, notes, reports, ledgers, books, drawings, blueprints, surveys, plats, graphs, contracts, bids, proposals, invoices, receipts, diaries, desk calendars, notes of telephone conversations or other communications, videotapes, audiotapes, or transcriptions thereof, microfilm, photographs, slides, computer diskettes, hard drives, tape backups and other information and data storage devices, electronic mail, computerized data bases, and all other data compilations from which information can be obtained. Documents also include any copy of which a comment, notation or

other addition has been made or which has been otherwise altered or changed in any other manner.

NOTE D: If you claim that any documents are lost, destroyed or privileged,

(i) identify and describe each such document by date, author, and recipient, (ii) provide a brief summary of its contents, and (iii) state the privilege(s) asserted.

The requested documents are as follows:

1.

A copy of your entire personnel file, including but not limited to applications, reviews, wages/hourly rates, overtime pay, per diems, bonuses, evaluations, certifications, benefits, health insurance and/or other medical information, disability or injury claims, discipline history, complaints and leaves of absences and communications with or about **Richard Janssen Burnett**.

2.

Any and all documentation describing the job duties, physical requirements, job descriptions and job title of **Richard Janssen Burnett** with Southland Process Group, LLC.

3.

Any and all other records and/or accounting/personnel/claim documents in your possession related to your professional association, company, employment and/or limited partnership and including any documents to add or separate **Richard** 

Janssen Burnett from any employment or policy.

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

RICHARD BURNETT,	)
Plaintiff, v.	) ) CIVIL ACTION FILE NO. ) 1:20-cv-03959-ELR )
AMAZON.COM, INC.; AMAZON.COM SERVICES, LLC; BRASK PET SUPPLY; AND DOES 1-50,	) ) ) )
Defendants.	)
INFORMATION, C INSPEC	ENA TO PRODUCE DOCUMENTS, OR OBJECTS OR TO PERMIT FION OF PREMISES ND PROCESS GROUP, LLC and responds to
Please indicate the appropriate resp	oonse below:
	ed materials have been attached.
[ ] The materials requeste	ed will be produced at the designated address.
[ ] The materials requeste	ed do not exist.
	<u>AFFIDAVIT</u>
Personally appeared before	me, an officer authorized by law to administer
oaths, came	, who after being duly sworr
states under oath as follows: that he	e/she is the records custodian for <b>SOUTHLAND</b>

PROCESS GROUP, LLC that any and all copies attached hereto are true and correct copies; made at or near the time of the described acts, events, conditions, opinions, or diagnoses; made by, or from information transmitted by, a person with personal knowledge and a business duty to report; kept in the course of a regularly conducted business activity; and it was the regular practice of the business activity to make the memorandum, report, record, or data compilation; and that the attached constitutes all responsive materials requested.

Dated this	day of	, 2021.
		Records Custodian for SOUTHLAND PROCESS GROUP, LLC Name:
		(Print)
Sworn to and subscribthis day of		
Notary Public		

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

RICHARD BURNETT,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION FILE NO.
V.	)	1:20-cv-03959-ELR
	)	
AMAZON.COM, INC.;	)	
AMAZON.COM SERVICES,	)	
LLC; BRASK PET SUPPLY;	)	
AND DOES 1-50,	)	
	)	
Defendants.	)	

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the within and foregoing DEFENDANT AMAZON.COM, INC.'S SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES TO SOUTHLAND PROCESS GROUP was served by depositing in the United States Mail a copy of same in an envelope with adequate postage thereon, addressed as follows:

Frank M. Gaither, Jr.
LAW OFFICES OF McLAUGHLIN &
REAM
365 North Interstate Pkwy, Suite 375
Atlanta, Georgia 30339

William A. Levin
Angela J. Nehmens
LEVIN SIMES ABRAMS, LLP
1700 Montgomery Street, Suite 2500
San Francisco, California 94111

David A. Sleepy CATHY & STRAIN, LLC P.O. Box 689 Cornelia, Georgia 30531

DATED this 21st day of May, 2021.

# HAWKINS PARNELL & YOUNG LLP

Of

303 Peachtree Street, NE, Suite 4000 Atlanta, GA 30308 Tel: (404) 614-7400 wellis@hpylaw.com cwalker@hpylaw.com

Willie C. Ellis Jr.
Georgia Bar No. 246116
Mark Coleman Walker Jr.
Georgia Bar No. 688704
Counsel for Defendants Amazon.com,
Inc. and Amazon.com Services, LLC

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

Richard Burnett		
Plaintiff )		01/00050 FLD
v. )	Civil Action No. 1:	20-CV-03959-ELR
) Amazon.com, et al.		
Defendant )		
SUBPOENA TO PRODUCE DOCUME OR TO PERMIT INSPECTION OF		
To: Corporation Service Company 2 Sun Court, Suite 400, F	, American Medical Respo Peachtree Corners, GA 300	
(Name of person to wh	om this subpoena is directed)	
<b>№</b> Production: YOU ARE COMMANDED to produce documents, electronically stored information, or objects, and material: See "Exhibit A" attached.	to permit inspection, copy	ing, testing, or sampling of the
Place: Hawkins Parnell & Young, LLP	Date and Time:	
303 Peachtree Street, NE, Suite 4000 Atlanta, Georgia	06/1	4/2021 5:00 pm
other property possessed or controlled by you at the time, dat may inspect, measure, survey, photograph, test, or sample the Place:	Date and Time:	ed object or operation on it.
The following provisions of Fed. R. Civ. P. 45 are at Rule 45(d), relating to your protection as a person subject to respond to this subpoena and the potential consequences of n Date: 05/21/2021	a subpoena; and Rule 45(e	ng to the place of compliance; and (g), relating to your duty to
CLERK OF COURT	OR	Q8
Signature of Clerk or Deputy Cler	k	Attorney's signature
The name, address, e-mail address, and telephone number of and Amazon.com Services, LLC Willie C. Ellis, Jr.; 303 Peachtree St., NE, Suite 4000, Atlanta	, who issues of	or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:20-CV-03959-ELR

#### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

(date)					
I serve	d the subpoena	by delivering a copy to	the named p	erson as follows:	
Certified	Mail, Return Red	eipt			
				on (date)	; or
☐ I retur	ned the subpoens	a unexecuted because:			
Unless th	e subpoena was to the witness the	issued on behalf of the e fees for one day's atte	United State and	s, or one of its officers or agents, the mileage allowed by law, in th	I have also le amount of
\$		·			
/ fees are \$	0.00	for travel and \$	0.00	for services, for a total of \$	0.00
I declare	under penalty of	perjury that this inform	nation is true		
te:		-		Server's signature	
				server's signature	
		<u> </u>		Printed name and title	

Additional information regarding attempted service, etc.:

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

### Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpocna may command:
- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

#### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

#### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

**EXHIBIT "A" TO SUBPOENA** 

MEDICAL PROVIDER: American Medical Response, Inc.

PATIENT: Richard Janssen Burnett; Birth Year: 1981

TRIP NUMBER: 244-05823987-00

NOTE A: These requests shall include any documents in the possession or

control of you, your agents, representatives, and, unless privileged, your attorney of

record.

NOTE B: These requests are continuing in nature so as to require you to

produce supplemental documents as soon as you, your investigators, representatives,

and/or agents obtain same or access to same in accordance with the Federal Rules of

Civil Procedure.

NOTE C: The term "documents" refer to all documents and tangible things

subject to discovery under the Federal Rules of Civil Procedure, including, but not

limited to, any written, printed, typed or recorded material, correspondence,

memoranda, notes, reports, ledgers, books, drawings, blueprints, surveys, plats,

graphs, contracts, bids, proposals, invoices, receipts, diaries, desk calendars, notes

of telephone conversations or other communications, videotapes, audiotapes, or

transcriptions thereof, microfilm, photographs, slides, computer diskettes, hard

drives, tape backups and other information and data storage devices, electronic mail,

computerized data bases, and all other data compilations from which information

can be obtained. Documents also include any copy of which a comment, notation or

other addition has been made or which has been otherwise altered or changed in any other manner.

NOTE D: If you claim that any documents are lost, destroyed or privileged,
(i) identify and describe each such document by date, author, and recipient, (ii)
provide a brief summary of its contents, and (iii) state the privilege(s) asserted.

The requested documents are as follows:

1.

Copies of <u>all</u> health and treatment information, including, but not limited to, medical bills, medical reports, evaluations, questionnaires, any and all treatment notes, operative reports, diagnostic reports, medical opinions, medication administration sheets, patient care plan, progress notes, referral sheets, transfer forms, videotapes, photographs and all other health, medical and billing information and records whether in written or electronic form regarding **Richard Janssen Burnett**.

2.

Copies of <u>all</u> documentation describing AMR responders' knowledge of **Richard Janssen Burnett's** medical condition upon arrival at the scene and the care and treatment provided to **Richard Janssen Burnett** during the transportation ride to the hospital.

3.

Any and all other records and/or accounting and/or billing documents in your possession related to your professional care and treatment of **Richard Janssen Burnett.** 

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

RICHARD BURNETT,	)
Plaintiff,  V.  AMAZON.COM, INC.; AMAZON.COM SERVICES, LLC; BRASK PET SUPPLY; AND DOES 1-50,  Defendants.	) ) ) ) CIVIL ACTION FILE NO. ) 1:20-cv-03959-ELR ) ) ) ) ) )
INFORMATION, O	ENA TO PRODUCE DOCUMENTS, OR OBJECTS OR TO PERMIT FION OF PREMISES
COMES NOW, AMERICAN	N MEDICAL RESPONSE, INC. and responds
to the Subpoena, as follows:	
Please indicate the appropriate response	onse below:
[ ] Copies of the requested	l materials have been attached.
[ ] The materials requested	d will be produced at the designated address.
[ ] The materials requested	d do not exist.
<u> </u>	AFFIDAVIT
Personally appeared before r	ne, an officer authorized by law to administer
oaths, came	, who after being duly sworn
states under oath as follows: that he	e/she is the records custodian for AMERICAN

MEDICAL RESPONSE, INC.; that any and all copies attached hereto are true and correct copies; made at or near the time of the described acts, events, conditions, opinions, or diagnoses; made by, or from information transmitted by, a person with personal knowledge and a business duty to report; kept in the course of a regularly conducted business activity; and it was the regular practice of the business activity to make the memorandum, report, record, or data compilation; and that the attached constitutes all responsive materials requested.

2021

Dated this	day of	, 2021.
		Records Custodian for AMERICAN MEDICAL RESPONSE,
		INC.
		Name:
		(Print)
Sworn to and subscrib	ed before me	,
this day of		, 2021.
Notary Public		

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

RICHARD BURNETT,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION FILE NO.
v.	)	1:20-cv-03959-ELR
	)	
AMAZON.COM, INC.;	)	
AMAZON.COM SERVICES,	)	
LLC; BRASK PET SUPPLY;	)	
AND DOES 1-50,	)	
	)	
Defendants.	)	

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the within and foregoing DEFENDANT AMAZON.COM, INC.'S SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES TO AMERICAN MEDICAL RESPONSE, INC. was served by depositing in the United States Mail a copy of same in an envelope with adequate postage thereon, addressed as follows:

Frank M. Gaither, Jr.
LAW OFFICES OF McLAUGHLIN &
REAM
365 North Interstate Pkwy, Suite 375
Atlanta, Georgia 30339

William A. Levin Angela J. Nehmens LEVIN SIMES ABRAMS, LLP 1700 Montgomery Street, Suite 2500 San Francisco, California 94111 David A. Sleepy CATHY & STRAIN, LLC P.O. Box 689 Cornelia, Georgia 30531

DATED this 21st day of May, 2021.

# HAWKINS PARNELL & YOUNG LLP

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303 Peachtree Street, NE, Suite 4000 Atlanta, GA 30308 Tel: (404) 614-7400 wellis@hpylaw.com cwalker@hpylaw.com

Willie C. Ellis Jr.
Georgia Bar No. 246116
Mark Coleman Walker Jr.
Georgia Bar No. 688704
Counsel for Defendants Amazon.com,
Inc. and Amazon.com Services, LLC

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

	Northern Bistree	o corpia	
Amazon.  Defe	Burnett  intiff ) com, et al. indant  ENA TO PRODUCE DOCUMENT TO PERMIT INSPECTION OF PE	TS, INFORMATION	1:20-CV-03959-ELR I, OR OBJECTS IL ACTION
То:	Gregory J. Newman, 5986 Financial Drive, Normal (Name of person to whom)	Norcross, GA, 30071	
	ARE COMMANDED to produce at stored information, or objects, and to tached.		
Place: Hawkins Parnell & 303 Peachtree Str Atlanta, Georgia	Young, LLP eet, NE, Suite 4000	Date and Time:	5/14/2021 5:00 pm
other property possessed o	nises: YOU ARE COMMANDED to r controlled by you at the time, date, a vey, photograph, test, or sample the pr	and location set forth	below, so that the requesting party
Rule 45(d), relating to you	visions of Fed. R. Civ. P. 45 are attac r protection as a person subject to a se and the potential consequences of not	ubpoena; and Rule 45	ting to the place of compliance; (e) and (g), relating to your duty to
Date:05/21/2021	CLERK OF COURT	OR	Qf .
œ	Signature of Clerk or Deputy Clerk		Attorney's signature
and Amazon.com Services	address, and telephone number of the LLC schtree St., NE, Suite 4000, Atlanta, Co	, who issue	s or requests this subpoena, are:
	Notice to the person who issues		

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:20-CV-03959-ELR

### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

n as follows:  date);  one of its officers or agents, I mileage allowed by law, in the	or have also e amount of
one of its officers or agents, I	have also
one of its officers or agents, I	have also
one of its officers or agents, I mileage allowed by law, in the	have also e amount of
one of its officers or agents, I mileage allowed by law, in the	have also e amount of
one of its officers or agents, I mileage allowed by law, in the	have also e amount of
mileage allowed by law, in the	e amount of
	0.00
for services, for a total of \$	0.00
Server's signature	
Printed name and title	
Commenter addresses	

Additional information regarding attempted service, etc.:

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

## Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

#### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

#### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(Č) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

#### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

#### (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

### **EXHIBIT "A" TO SUBPOENA**

LOCATION: 2840 E. College Ave, Decatur, GA 30030

**NOTE A:** These requests shall include any documents in the possession or control of you, your agents, representatives, and, unless privileged, your attorney of record.

**NOTE B:** These requests are continuing in nature so as to require you to produce supplemental documents as soon as you, your investigators, representatives, and/or agents obtain same or access to same in accordance with the Federal Rules of Civil Procedure.

NOTE C: The term "documents" refer to all documents and tangible things subject to discovery under the Federal Rules of Civil Procedure, including, but not limited to, any written, printed, typed or recorded material, correspondence, memoranda, notes, reports, ledgers, books, drawings, blueprints, surveys, plats, graphs, contracts, bids, proposals, invoices, receipts, diaries, desk calendars, notes of telephone conversations or other communications, videotapes, audiotapes, or transcriptions thereof, microfilm, photographs, slides, computer diskettes, hard drives, tape backups and other information and data storage devices, electronic mail, computerized data bases, and all other data compilations from which information can be obtained. Documents also include any copy of which a comment, notation or

other addition has been made or which has been otherwise altered or changed in any other manner.

NOTE D: If you claim that any documents are lost, destroyed or privileged,

(i) identify and describe each such document by date, author, and recipient, (ii) provide a brief summary of its contents, and (iii) state the privilege(s) asserted.

The requested documents are as follows:

1.

Any and all documents in your possession related to an October 2, 2018 incident involving Richard Janssen Burnett.

2.

Copies of <u>all</u> incident reports, videos, photographs, interoffice memorandums, and any other documentation regarding any incidents that occurred on the premise on October 2, 2018.

3.

Copies of <u>all</u> shift schedules identifying employees and managers that were working and/or on duty on October 2, 2018 at approximately 6: 30 a.m., including the name, job title and last known contact information for each.

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

RICHARD BURNETT,	
Plaintiff, v. AMAZON.COM, INC.;	) ) CIVIL ACTION FILE NO. ) 1:20-cv-03959-ELR )
AMAZON.COM SERVICES, LLC; BRASK PET SUPPLY; AND DOES 1-50,	) ) )
Defendants.	)
INFORMATION, OF INSPECTI	NA TO PRODUCE DOCUMENTS, R OBJECTS OR TO PERMIT ON OF PREMISES OUSE, INC. and responds to the Subpoena, as
follows:	
Please indicate the appropriate respon	nse below:
[ ] Copies of the requested:	materials have been attached.
[ ] The materials requested	will be produced at the designated address.
[ ] The materials requested	do not exist.
<u>A</u> )	FFIDAVIT
Personally appeared before m	e, an officer authorized by law to administer
oaths, came	who after being duly sworn
states under oath as follows: that h	e/she is the records custodian for WAFFLE

HOUSE, INC. that any and all copies attached hereto are true and correct copies; made at or near the time of the described acts, events, conditions, opinions, or diagnoses; made by, or from information transmitted by, a person with personal knowledge and a business duty to report; kept in the course of a regularly conducted business activity; and it was the regular practice of the business activity to make the memorandum, report, record, or data compilation; and that the attached constitutes all responsive materials requested.

Dated this day of	, 2021.
	Records Custodian for WAFFLE HOUSE, INC.
	Name:
	(Print)
Sworn to and subscribed before me	
this day of,	2021.
Notary Public	

2021

Page 2 of 2

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

)	
) ) )	CIVIL ACTION FILE NO.
)	1:20-cv-03959-ELR
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	) ) ) ) ) ) ) ) ) )

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the within and foregoing **DEFENDANT AMAZON.COM**, **INC.'S SUBPOENA TO PRODUCE DOCUMENTS**, **INFORMATION**, **OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES TO WAFFLE HOUSE**, **INC.** was served by depositing in the United States Mail a copy of same in an envelope with adequate postage thereon, addressed as follows:

Frank M. Gaither, Jr.
LAW OFFICES OF McLAUGHLIN &
REAM
365 North Interstate Pkwy, Suite 375
Atlanta, Georgia 30339

William A. Levin
Angela J. Nehmens
LEVIN SIMES ABRAMS, LLP
1700 Montgomery Street, Suite 2500
San Francisco, California 94111

David A. Sleepy CATHY & STRAIN, LLC P.O. Box 689 Cornelia, Georgia 30531

DATED this 21st day of May, 2021.

# HAWKINS PARNELL & YOUNG LLP

303 Peachtree Street, NE, Suite 4000 Atlanta, GA 30308

Tel: (404) 614-7400 wellis@hpylaw.com cwalker@hpylaw.com

Willie C. Ellis Jr.
Georgia Bar No. 246116
Mark Coleman Walker Jr.
Georgia Bar No. 688704
Counsel for Defendants Amazon.com,
Inc. and Amazon.com Services, LLC

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

Richard Burnett	)
Plaintiff	) Civil Action No. 1:20-CV-03959-ELR
V.	) Civil Action No. 1:20-CV-03959-ELR
Amazon.com, et al.	)
Defendant	)
	IMENTS, INFORMATION, OR OBJECTS OF PREMISES IN A CIVIL ACTION
116 West Brya	ms, MidSouth Steel, Inc. an St., Douglas, GA 31533
(Name of person t	to whom this subpoena is directed)
documents, electronically stored information, or objects, material: See "Exhibit A" attached.	duce at the time, date, and place set forth below the following and to permit inspection, copying, testing, or sampling of the
Place: Hawkins Parnell & Young, LLP	Date and Time;
303 Peachtree Street, NE, Suite 4000 Atlanta, Georgia	06/14/2021 5:00 pm
other property possessed or controlled by you at the time	<b>DED</b> to permit entry onto the designated premises, land, or e, date, and location set forth below, so that the requesting party e the property or any designated object or operation on it.  Date and Time:
The following provisions of Fed. R. Civ. P. 45 at Rule 45(d), relating to your protection as a person subject respond to this subpoena and the potential consequences  Date:05/21/2021	re attached – Rule 45(c), relating to the place of compliance; et to a subpoena; and Rule 45(e) and (g), relating to your duty to of not doing so.
CLERK OF COURT	OR OF
Signature of Clerk or Deputy	Clerk Attorney's signature
The name, address, e-mail address, and telephone numbe	er of the attorney representing (name of party) Amazon.com, Inc., who issues or requests this subpoena, are:
and Amazon.com Services, LLC	lanta, Georgia 30308-3243; wellis@hpylaw.com; 404-614-7400
while G. Ellis, Jr., 505 Feachtree St., NE, Suite 4000, At	iaita, ocoigia ooooo ozao, womo@npylaitioom, io. otti i ioo

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

## 

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:20-CV-03959-ELR

#### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

4.	1.41	by delivering a copy to t	ha namad n	arcon ac follower	
	•		ne nameu pe	erson as ronows.	
Certified N	lail, Return Red	ceipt		on (date)	; or
☐ I return	ed the subpoens	a unexecuted because:		in (unit)	
tendered to	subpoena was the witness the	issued on behalf of the Use fees for one day's atte	United States	s, or one of its officers or agents, the mileage allowed by law, in the	I have also ne amount of
\$		· ·			
fees are \$	0.00	for travel and \$	0.00	for services, for a total of \$	0.00
I declare u	nder penalty of	perjury that this inform	ation is true.	8	
				G	
te:				Server's signature	
te:				Server's signature	
te:				Printed name and title	
te:					
re:					-

Additional information regarding attempted service, etc.:

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

#### Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

#### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information, or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

#### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoona does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored

information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **EXHIBIT "A" TO SUBPOENA**

EMPLOYER: MidSouth Steel, Inc. LOCATION: 4301 Roosevelt Hwy, Atlanta, GA 30349 Re: Richard Janssen Burnett; Birth Year: 1981

**NOTE A:** These requests shall include any documents in the possession or control of you, your agents, representatives, and, unless privileged, your attorney of record.

**NOTE B:** These requests are continuing in nature so as to require you to produce supplemental documents as soon as you, your investigators, representatives, and/or agents obtain same or access to same in accordance with the Federal Rules of Civil Procedure.

NOTE C: The term "documents" refer to all documents and tangible things subject to discovery under the Federal Rules of Civil Procedure, including, but not limited to, any written, printed, typed or recorded material, correspondence, memoranda, notes, reports, ledgers, books, drawings, blueprints, surveys, plats, graphs, contracts, bids, proposals, invoices, receipts, diaries, desk calendars, notes of telephone conversations or other communications, videotapes, audiotapes, or transcriptions thereof, microfilm, photographs, slides, computer diskettes, hard drives, tape backups and other information and data storage devices, electronic mail, computerized data bases, and all other data compilations from which information can be obtained. Documents also include any copy of which a comment, notation or

other addition has been made or which has been otherwise altered or changed in any other manner.

NOTE D: If you claim that any documents are lost, destroyed or privileged,

(i) identify and describe each such document by date, author, and recipient, (ii) provide a brief summary of its contents, and (iii) state the privilege(s) asserted.

The requested documents are as follows:

1.

A copy of your entire personnel file, including but not limited to applications, reviews, wages/hourly rates, overtime pay, per diems, bonuses, evaluations, insurance, certifications, communications with or about the above-named employee, benefits, health insurance and/or other medical information, disability or injury claims, discipline history, complaints and leaves of absences for **Richard Janssen Burnett**.

2.

Copies of <u>all</u> documents specifying any and all welding equipment and/or heavy machinery operated by **Richard Janssen Burnett** with MidSouth Steel, Inc.

3.

Any and all documentation describing the job duties, physical requirements, job descriptions, and job title of Richard Janssen Burnett with MidSouth Steel, Inc.

4.

Any and all other records and/or accounting/personnel/claim documents in your possession related to your professional association, union, employment and/or membership and including any documents to add or separate **Richard Janssen Burnett** from any employment or policy.

RICHARD BURNETT,	)	
Plaintiff, v.  AMAZON.COM, INC.; AMAZON.COM SERVICES, LLC; BRASK PET SUPPLY; AND DOES 1-50,  Defendants.	) ) ) CIVIL ACTION FILE NO. ) 1:20-cv-03959-ELR ) ) ) )	
INFORMATION, O	ENA TO PRODUCE DOCUMENTS, OR OBJECTS OR TO PERMIT CION OF PREMISES	
COMES NOW, MIDSOUTE	I STEEL, INC., and responds to the Subpoena,	
as follows:		
Please indicate the appropriate response	onse below:	
[ ] Copies of the requested	d materials have been attached.	
[ ] The materials requested will be produced at the designated address.		
[ ] The materials requested do not exist.		
<u> 4</u>	AFFIDAVIT	
Personally appeared before a	me, an officer authorized by law to administer	
oaths, came	who after being duly sworn	
states under oath as follows: that he	e/she is the records custodian for MIDSOUTH	

STEEL, INC.; that any and all copies attached hereto are true and correct copies; made at or near the time of the described acts, events, conditions, opinions, or diagnoses; made by, or from information transmitted by, a person with personal knowledge and a business duty to report; kept in the course of a regularly conducted business activity; and it was the regular practice of the business activity to make the memorandum, report, record, or data compilation; and that the attached constitutes all responsive materials requested.

Dated this day of	, 2021.		
	Records Custodian for MIDSOUTH STEEL, INC. Name:		
Sworn to and subscribed before me	(Print)		
this day of,	2021.		
Notary Public			

Page 2 of 2

RICHARD BURNETT,	)	
Plaintiff,	)	CIVIL ACTION FILE NO.
v.	)	1:20-cv-03959-ELR
AMAZON.COM, INC.;	)	
AMAZON.COM SERVICES,	)	
LLC; BRASK PET SUPPLY; AND DOES 1-50,	)	
	)	
Defendants.	)	

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the within and foregoing DEFENDANT AMAZON.COM, INC.'S SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES TO MIDSOUTH STEEL INC. was served by depositing in the United States Mail a copy of same in an envelope with adequate postage thereon, addressed as follows:

Frank M. Gaither, Jr.
LAW OFFICES OF McLAUGHLIN &
REAM
365 North Interstate Pkwy, Suite 375
Atlanta, Georgia 30339

William A. Levin
Angela J. Nehmens
LEVIN SIMES ABRAMS, LLP
1700 Montgomery Street, Suite 2500
San Francisco, California 94111

David A. Sleepy CATHY & STRAIN, LLC P.O. Box 689 Cornelia, Georgia 30531

DATED this 21st day of May, 2021.

HAWKINS PARNELL & YOUNG LLP

303 Peachtree Street, NE, Suite 4000

Atlanta, GA 30308 Tel: (404) 614-7400 wellis@hpylaw.com

cwalker@hpylaw.com

Willie C. Ellis Jr.
Georgia Bar No. 246116
Mark Coleman Walker Jr.
Georgia Bar No. 688704
Counsel for Defendants Amazon.com,
Inc. and Amazon.com Services, LLC

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

Richard Burnett	Civil Action No. 1:20-CV-03959-ELR  INFORMATION, OR OBJECTS	
OR TO PERMIT INSPECTION OF PRE	MISES IN A CIVIL ACTION	
To: MidSouth Ste 4301 Roosevelt Hwy, A		
(Name of person to whom thi	s subpoena is directed)	
♠ Production: YOU ARE COMMANDED to produce at the documents, electronically stored information, or objects, and to permaterial: See "Exhibit A" attached.		
Place: Hawkins Parnell & Young, LLP 303 Peachtree Street, NE, Suite 4000		
Atlanta, Georgia	06/14/2021 5:00 pm	
Inspection of Premises: YOU ARE COMMANDED to pother property possessed or controlled by you at the time, date, an may inspect, measure, survey, photograph, test, or sample the property.  Place:	d location set forth below, so that the requesting party	
The following provisions of Fed. R. Civ. P. 45 are attache Rule 45(d), relating to your protection as a person subject to a sub respond to this subpoena and the potential consequences of not do Date:  Obj21/2021  CLERK OF COURT	poena; and Rule 45(e) and (g), relating to your duty to	
Signature of Clerk or Deputy Clerk	Attorney's signature	
The name, address, e-mail address, and telephone number of the a and Amazon.com Services, LLC Willie C. Ellis, Jr.; 303 Peachtree St., NE, Suite 4000, Atlanta, Ge	, who issues or requests this subpoena, are:	

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:20-CV-03959-ELR

#### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

n (date)			Or (name of individual and to	=		
Ø	I served t	the subpoena b	y delivering a copy to	the named p	erson as follows:	
C	Certified Ma	ail, Return Rec	eipt			
					on (date)	; or
	I returned	d the subpoena	unexecuted because:			
U	Jnless the s endered to	subpoena was i the witness the	ssued on behalf of the leftees for one day's atte	United State ndance, and	s, or one of its officers or agents the mileage allowed by law, in t	, I have also the amount of
\$			·			
y fees a	are \$	0.00	for travel and \$	0.00	for services, for a total of \$	0.00
I	declare un	der penalty of	perjury that this inform	ation is true		
ate:					Server's signature	
			-		Printed name and title	
			<del></del>		Server's address	

Additional information regarding attempted service, etc.:

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

### Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

 For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or

regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition,

nearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an

order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified

conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be

otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

#### (e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored

information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **EXHIBIT "A" TO SUBPOENA**

EMPLOYER: MidSouth Steel, Inc. LOCATION: 4301 Roosevelt Hwy, Atlanta, GA 30349 Re: Richard Janssen Burnett: Birth Year: 1981

**NOTE A:** These requests shall include any documents in the possession or control of you, your agents, representatives, and, unless privileged, your attorney of record.

**NOTE B:** These requests are continuing in nature so as to require you to produce supplemental documents as soon as you, your investigators, representatives, and/or agents obtain same or access to same in accordance with the Federal Rules of Civil Procedure.

NOTE C: The term "documents" refer to all documents and tangible things subject to discovery under the Federal Rules of Civil Procedure, including, but not limited to, any written, printed, typed or recorded material, correspondence, memoranda, notes, reports, ledgers, books, drawings, blueprints, surveys, plats, graphs, contracts, bids, proposals, invoices, receipts, diaries, desk calendars, notes of telephone conversations or other communications, videotapes, audiotapes, or transcriptions thereof, microfilm, photographs, slides, computer diskettes, hard drives, tape backups and other information and data storage devices, electronic mail, computerized data bases, and all other data compilations from which information can be obtained. Documents also include any copy of which a comment, notation or

other addition has been made or which has been otherwise altered or changed in any other manner.

NOTE D: If you claim that any documents are lost, destroyed or privileged,

(i) identify and describe each such document by date, author, and recipient, (ii) provide a brief summary of its contents, and (iii) state the privilege(s) asserted.

The requested documents are as follows:

1.

A copy of your entire personnel file, including but not limited to applications, reviews, wages/hourly rates, overtime pay, per diems, bonuses, evaluations, insurance, certifications, communications with or about the above-named employee, benefits, health insurance and/or other medical information, disability or injury claims, discipline history, complaints and leaves of absences for **Richard Janssen Burnett**.

2.

Copies of <u>all</u> documents specifying any and all welding equipment and/or heavy machinery operated by **Richard Janssen Burnett** with MidSouth Steel, Inc.

3.

Any and all documentation describing the job duties, physical requirements, job descriptions, and job title of **Richard Janssen Burnett** with MidSouth Steel, Inc.

4.

Any and all other records and/or accounting/personnel/claim documents in your possession related to your professional association, union, employment and/or membership and including any documents to add or separate **Richard Janssen Burnett** from any employment or policy.

) ) () () () () () () () () () () () ()		
) )		
A TO PRODUCE DOCUMENTS, OBJECTS OR TO PERMIT ON OF PREMISES		
STEEL, INC., and responds to the Subpoena,		
se below:		
[ ] Copies of the requested materials have been attached.		
[ ] The materials requested will be produced at the designated address.		
[ ] The materials requested do not exist.		
FIDAVIT		
, an officer authorized by law to administer		
, who after being duly sworn		
he is the records custodian for MIDSOUTH		

STEEL, INC.; that any and all copies attached hereto are true and correct copies; made at or near the time of the described acts, events, conditions, opinions, or diagnoses; made by, or from information transmitted by, a person with personal knowledge and a business duty to report; kept in the course of a regularly conducted business activity; and it was the regular practice of the business activity to make the memorandum, report, record, or data compilation; and that the attached constitutes all responsive materials requested.

Dated this day of	
	Records Custodian for MIDSOUTH STEEL, INC.
	Name:
	(Print)
Sworn to and subscribed before m	e
this day of	_, 2021.
Notary Public	

2021

Page 2 of 2

RICHARD BURNETT,	)	
Plaintiff,	)	CIVIL ACTION FILE NO.
V.	ĺ	1:20-cv-03959-ELR
AMAZON.COM, INC.; AMAZON.COM SERVICES,	) ) )	
LLC; BRASK PET SUPPLY; AND DOES 1-50,	)	
Defendants.	)	

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the within and foregoing **DEFENDANT**AMAZON.COM, INC.'S SUBPOENA TO PRODUCE DOCUMENTS,

INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF

PREMISES TO MIDSOUTH STEEL INC. was served by depositing in the

United States Mail a copy of same in an envelope with adequate postage thereon,

addressed as follows:

Frank M. Gaither, Jr.
LAW OFFICES OF McLAUGHLIN &
REAM
365 North Interstate Pkwy, Suite 375
Atlanta, Georgia 30339

William A. Levin
Angela J. Nehmens
LEVIN SIMES ABRAMS, LLP
1700 Montgomery Street, Suite 2500
San Francisco, California 94111

David A. Sleepy CATHY & STRAIN, LLC P.O. Box 689 Cornelia, Georgia 30531

DATED this 21st day of May, 2021.

# HAWKINS PARNELL & YOUNG LLP

Qf

303 Peachtree Street, NE, Suite 4000 Atlanta, GA 30308 Tel: (404) 614-7400 wellis@hpylaw.com cwalker@hpylaw.com

Willie C. Ellis Jr.
Georgia Bar No. 246116
Mark Coleman Walker Jr.
Georgia Bar No. 688704
Counsel for Defendants Amazon.com,
Inc. and Amazon.com Services, LLC

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

Richard Burnett  Plaintiff  V. )	Civil Action No. 1:20-CV-03959-ELR
Amazon.com, et al. )  Defendant )	
SUBPOENA TO PRODUCE DOCUMENTS, OR TO PERMIT INSPECTION OF PRE	, INFORMATION, OR OBJECTS MISES IN A CIVIL ACTION
To:  Amy Adelman, Emory Med Emory University, 101 Administration Building, (Name of person to whom this	201 Dowman Drive, Atlanta, GA 30322
Production: YOU ARE COMMANDED to produce at the documents, electronically stored information, or objects, and to permaterial: See "Exhibit A" attached.	te time, date, and place set forth below the following strmit inspection, copying, testing, or sampling of the
Place: Hawkins Parnell & Young, LLP 303 Peachtree Street, NE, Suite 4000 Atlanta, Georgia	Date and Time: 06/14/2021 5:00 pm
Inspection of Premises: YOU ARE COMMANDED to pother property possessed or controlled by you at the time, date, and may inspect, measure, survey, photograph, test, or sample the pro-	d location set forth below, so that the requesting party
Place:	Date and Time:
The following provisions of Fed. R. Civ. P. 45 are attached Rule 45(d), relating to your protection as a person subject to a subgression to this subpoena and the potential consequences of not do	poena; and Rule 45(e) and (g), relating to your duty to
Date:05/21/2021	
CLERK OF COURT	OR
Signature of Clerk or Deputy Clerk	Attorney's parature
The name, address, e-mail address, and telephone number of the a and Amazon.com Services, LLC	, who issues or requests this subpoena, are:
Willie C. Ellis, Jr.; 303 Peachtree St., NE, Suite 4000, Atlanta, Ge	eorgia 30308-3243; wellis@hpylaw.com; 404-614-7400

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:20-CV-03959-ELR

#### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

	I received th	nis subpoena fo	Or (name of individual and t	itle, if any)				
on (date,	)	*						
	I served	the subpoena b	y delivering a copy to	the named p	person as follows:			
	Certified Ma	Certified Mail, Return Receipt						
					on (date)	; or		
	☐ I returned	d the subpoena	unexecuted because:					
э	Unless the s	subpoena was i the witness the	ssued on behalf of the fees for one day's atte	United State	es, or one of its officers or agents I the mileage allowed by law, in t	, I have also the amount of		
	\$		·					
My fee:	s are \$	0.00	for travel and \$	0.00	for services, for a total of \$	0.00		
	I declare un	der penalty of	perjury that this inform	nation is tru	e.			
Date:					Server's signature			
					server's signature			
					Printed name and title			
					Server's address			

Additional information regarding attempted service, etc.:

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

## Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction-which may include lost earnings and reasonable attorney's fees-on a party or attorney who fails to comply.

## (2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises-or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an

order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be

otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

#### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored

information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **EXHIBIT "A" TO SUBPOENA**

MEDICAL PROVIDER: Emory Medical Care Foundation PATIENT: Richard Janssen Burnett; Birth Year: 1981

**NOTE A:** These requests shall include any documents in the possession or control of you, your agents, representatives, and, unless privileged, your attorney of record.

**NOTE B:** These requests are continuing in nature so as to require you to produce supplemental documents as soon as you, your investigators, representatives, and/or agents obtain same or access to same in accordance with the Federal Rules of Civil Procedure.

NOTE C: The term "documents" refer to all documents and tangible things subject to discovery under the Federal Rules of Civil Procedure, including, but not limited to, any written, printed, typed or recorded material, correspondence, memoranda, notes, reports, ledgers, books, drawings, blueprints, surveys, plats, graphs, contracts, bids, proposals, invoices, receipts, diaries, desk calendars, notes of telephone conversations or other communications, videotapes, audiotapes, or transcriptions thereof, microfilm, photographs, slides, computer diskettes, hard drives, tape backups and other information and data storage devices, electronic mail, computerized data bases, and all other data compilations from which information can be obtained. Documents also include any copy of which a comment, notation or

other addition has been made or which has been otherwise altered or changed in any other manner.

NOTE D: If you claim that any documents are lost, destroyed or privileged,

(i) identify and describe each such document by date, author, and recipient, (ii) provide a brief summary of its contents, and (iii) state the privilege(s) asserted.

The requested documents are as follows:

1.

Copies of <u>all</u> health and treatment information for **Richard Janssen Burnett**, including, but not limited to, initial patient questionnaires, medical bills, any and all treatment notes, operative reports, diagnostic reports, physical therapy records, physician orders, nurses' notes, occupational therapy notes, doctor notes, pharmaceutical records, billing records, clinical test/reports, consultation reports, correspondence, dictation reports, discharge summaries, emergency room records and information, history and physical examination, intake-output log. Lab reports, medical opinions, medication administration sheets, operative supporting information, patient care plan, progress notes, referral sheets, rhythm strips, special test/therapy, all test requests and reports, transfer/referral forms, videotapes and photographs, e-rays, and radiology reports, as well as all other health medical and billing information and records whether in written or electronic form.

2.

Any and all other records and/or accounting and/or billing documents in your possession related to your professional care and treatment of **Richard Janssen Burnett.** 

RICHARD BURNETT,	)		
Plaintiff,	) ) CIVIL ACTION FILE NO. ) 1:20-cv-03959-ELR		
AMAZON.COM, INC.; AMAZON.COM SERVICES, LLC; BRASK PET SUPPLY; AND DOES 1-50,	) ) ) )		
Defendants.	)		
RESPONSE TO SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES  COMES NOW, EMORY MEDICAL CARE FOUNDATION and responds			
to the Subpoena, as follows:			
Please indicate the appropriate response	onse below:		
[ ] Copies of the requested	d materials have been attached.		
[ ] The materials requested will be produced at the designated address.			
[ ] The materials requested	d do not exist.		
<u> 4</u>	AFFIDAVIT		
Personally appeared before r	me, an officer authorized by law to administer		
oaths, came	, who after being duly sworn		
states under oath as follows: that	he/she is the records custodian for EMORY		

MEDICAL CARE FOUNDATION that any and all copies attached hereto are true and correct copies; made at or near the time of the described acts, events, conditions, opinions, or diagnoses; made by, or from information transmitted by, a person with personal knowledge and a business duty to report; kept in the course of a regularly conducted business activity; and it was the regular practice of the business activity to make the memorandum, report, record, or data compilation; and that the attached constitutes all responsive materials requested.

Dated this	day of	, 2021.
		Records Custodian for EMORY MEDICAL CARE FOUNDATION
		Name:
		(Print)
Sworn to and subscribe		
this day of		, 2021.
Notary Public		
Indialy I udile		

Page 2 of 2

)	
)	
)	
)	CIVIL ACTION FILE NO.
)	1:20-cv-03959-ELR
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## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the within and foregoing **DEFENDANT AMAZON.COM, INC.'S SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES TO EMORY MEDICAL CARE FOUNDATION** was served by depositing in the United States Mail a copy of same in an envelope with adequate postage thereon, addressed as follows:

Frank M. Gaither, Jr.
LAW OFFICES OF McLAUGHLIN &
REAM
365 North Interstate Pkwy, Suite 375
Atlanta, Georgia 30339

William A. Levin
Angela J. Nehmens
LEVIN SIMES ABRAMS, LLP
1700 Montgomery Street, Suite 2500
San Francisco, California 94111

David A. Sleepy CATHY & STRAIN, LLC P.O. Box 689 Cornelia, Georgia 30531

DATED this 21st day of May, 2021.

# HAWKINS PARNELL & YOUNG LLP

303 Peachtree Street, NE, Suite 4000

Atlanta, GA 30308 Tel: (404) 614-7400 wellis@hpylaw.com cwalker@hpylaw.com Willie C. Ellis Jr.
Georgia Bar No. 246116
Mark Coleman Walker Jr.
Georgia Bar No. 688704
Counsel for Defendants Amazon.com,
Inc. and Amazon.com Services, LLC

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

Richar	d Burnett		
Pl	ointiff )	Civil Action No.	1:20-CV-03959-ELR
	.com, et al. )		
SUBPO	DENA TO PRODUCE DOCUMENTS TO PERMIT INSPECTION OF PR	S, INFORMATIC EMISES IN A CI	ON, OR OBJECTS WIL ACTION
То:	Timothy Jefferson, Grad 80 Jesse Hill Jr. Drive, Sl		
	(Name of person to whom th	is subpoena is directe	d)
documents, electronically material: See "Exhibit A" a	J ARE COMMANDED to produce at t stored information, or objects, and to p ttached.	ne time, date, and ermit inspection, o	copying, testing, or sampling of the
Place: Hawkins Parnell &	k Young, LLP	Date and Time:	
	reet, NE, Suite 4000		06/14/2021 5:00 pm
other property possessed of	mises: YOU ARE COMMANDED to or controlled by you at the time, date, and vey, photograph, test, or sample the pro-	nd location set for	th below, so that the requesting party
Rule 45(d), relating to you	ovisions of Fed. R. Civ. P. 45 are attach are protection as a person subject to a surand the potential consequences of not decrease of the content of the co	bpoena; and Rule	elating to the place of compliance; 45(e) and (g), relating to your duty to
			An
	Signature of Clerk or Deputy Clerk		Attorney's signature
and Amazon.com Services		, who iss	ues or requests this subpoena, are:
Willie C. Ellis, Jr.; 303 Per	achtree St., NE, Suite 4000, Atlanta, Ge	eorgia 30308-3243	3; wellis@hpylaw.com; 404-614-7400
	Matica to the newson who issues o	r requirete this su	hnoena

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:20-CV-03959-ELR

## PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

	erved the subpoena lifed Mail, Return Rec	by delivering a copy to			
Certif	find Mail Deturn Per		the named p	erson as follows:	
	ileu Mali, Netulii Net	eipt			
				on (date)	; or
□Ir	eturned the subpoen	a unexecuted because:			4
Unles tende	ss the subpoena was bred to the witness the	issued on behalf of the leftes for one day's atte	United State ndance, and	s, or one of its officers or agents, the mileage allowed by law, in the	I have also he amount of
y fees are \$	0.00	for travel and \$	0.00	for services, for a total of \$	0.00
I decl	lare under penalty of	perjury that this inform	ation is true		
te:		-		Server's signature	
		-		Printed name and title	
		-		Server's address	

Additional information regarding attempted service, etc.:

AO 88B (Rev., 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

## Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

#### (2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an

order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be

otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

#### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **EXHIBIT "A" TO SUBPOENA**

MEDICAL PROVIDER: Grady Memorial Hospital PATIENT: Richard Janssen Burnett; Birth Year: 1981

**NOTE A:** These requests shall include any documents in the possession or control of you, your agents, representatives, and, unless privileged, your attorney of record.

**NOTE B:** These requests are continuing in nature so as to require you to produce supplemental documents as soon as you, your investigators, representatives, and/or agents obtain same or access to same in accordance with the Federal Rules of Civil Procedure.

NOTE C: The term "documents" refer to all documents and tangible things subject to discovery under the Federal Rules of Civil Procedure, including, but not limited to, any written, printed, typed or recorded material, correspondence, memoranda, notes, reports, ledgers, books, drawings, blueprints, surveys, plats, graphs, contracts, bids, proposals, invoices, receipts, diaries, desk calendars, notes of telephone conversations or other communications, videotapes, audiotapes, or transcriptions thereof, microfilm, photographs, slides, computer diskettes, hard drives, tape backups and other information and data storage devices, electronic mail, computerized data bases, and all other data compilations from which information can be obtained. Documents also include any copy of which a comment, notation or

other addition has been made or which has been otherwise altered or changed in any other manner.

NOTE D: If you claim that any documents are lost, destroyed or privileged,

(i) identify and describe each such document by date, author, and recipient, (ii) provide a brief summary of its contents, and (iii) state the privilege(s) asserted.

The requested documents are as follows:

1.

Copies of <u>all</u> health and treatment information for **Richard Janssen Burnett**, including, but not limited to, initial patient questionnaires, medical bills, any and all treatment notes, operative reports, diagnostic reports, physical therapy records, physician orders, nurses' notes, occupational therapy notes, doctor notes, pharmaceutical records, billing records, clinical test/reports, consultation reports, correspondence, dictation reports, discharge summaries, emergency room records and information, history and physical examination, intake-output log. Lab reports, medical opinions, medication administration sheets, operative supporting information, patient care plan, progress notes, referral sheets, rhythm strips, special test/therapy, all test requests and reports, transfer/referral forms, videotapes and photographs, e-rays, and radiology reports, as well as all other health medical and billing information and records whether in written or electronic form.

2.

Any and all other records and/or accounting and/or billing documents in your possession related to your professional care and treatment of **Richard Janssen Burnett.** 

RICHARD BURNETT,	)
Plaintiff, v.  AMAZON.COM, INC.; AMAZON.COM SERVICES, LLC; BRASK PET SUPPLY; AND DOES 1-50,  Defendants.	) ) ) CIVIL ACTION FILE NO. ) 1:20-ev-03959-ELR ) ) ) )
RESPONSE TO SUBPOE INFORMATION, O	NA TO PRODUCE DOCUMENTS, R OBJECTS OR TO PERMIT ION OF PREMISES
COMES NOW, GRADY MI	EMORIAL HOSPITAL and responds to the
Subpoena, as follows:	
Please indicate the appropriate respo	nse below:
[ ] Copies of the requested	materials have been attached.
[ ] The materials requested	will be produced at the designated address.
[ ] The materials requested	do not exist.
<u>A</u>	FFIDAVIT
Personally appeared before m	ne, an officer authorized by law to administer
oaths, came	, who after being duly sworn
states under oath as follows: that	he/she is the records custodian for GRADY

MEMORIAL HOSPITAL that any and all copies attached hereto are true and correct copies; made at or near the time of the described acts, events, conditions, opinions, or diagnoses; made by, or from information transmitted by, a person with personal knowledge and a business duty to report; kept in the course of a regularly conducted business activity; and it was the regular practice of the business activity to make the memorandum, report, record, or data compilation; and that the attached constitutes all responsive materials requested.

2021

Dated this day of	, 2021.
	Records Custodian for GRADY MEMORIAL HOSPITAL Name:
	(Print)
Sworn to and subscribed before me	
this day of,	2021.
Notary Public	

Page 2 of 2

RICHARD BURNETT,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION FILE NO.
V.	)	1:20-cv-03959-ELR
	)	
AMAZON.COM, INC.;	)	
AMAZON.COM SERVICES,	)	
LLC; BRASK PET SUPPLY;	)	
AND DOES 1-50,	)	
	)	
Defendants.	)	

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the within and foregoing DEFENDANT AMAZON.COM, INC.'S SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES TO GRAADY MEMORIAL HOSPITAL was served by depositing in the United States Mail a copy of same in an envelope with adequate postage thereon, addressed as follows:

Frank M. Gaither, Jr.
LAW OFFICES OF McLAUGHLIN &
REAM
365 North Interstate Pkwy, Suite 375
Atlanta, Georgia 30339

William A. Levin Angela J. Nehmens LEVIN SIMES ABRAMS, LLP 1700 Montgomery Street, Suite 2500 San Francisco, California 94111 David A. Sleepy CATHY & STRAIN, LLC P.O. Box 689 Cornelia, Georgia 30531

DATED this 21st day of May, 2021.

# HAWKINS PARNELL & YOUNG LLP



303 Peachtree Street, NE, Suite 4000 Atlanta, GA 30308 Tel: (404) 614-7400 wellis@hpylaw.com cwalker@hpylaw.com

Willie C. Ellis Jr.
Georgia Bar No. 246116
Mark Coleman Walker Jr.
Georgia Bar No. 688704
Counsel for Defendants Amazon.com,
Inc. and Amazon.com Services, LLC

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

Richard Burnett	)			
Plaintiff v. Amazon.com, et al.	) ) Civil )	Action No.	1:20-CV-03959-	ELR
Defendant	)			
SUBPOENA TO PRODUC OR TO PERMIT INSE	CE DOCUMENTS, INFO PECTION OF PREMISE	ORMATIO	N, OR OBJECTS VIL ACTION	S
	Academy Fence Brok 6 Jefferson Hwy, Winder,	GA 30680		
(Nam	ne of person to whom this subpo	ena is directed,	)	
documents, electronically stored information, a material: See "Exhibit A" attached.	<b>DED</b> to produce at the time or objects, and to permit in	e, date, and paspection, co	place set forth belo ppying, testing, or	ow the following sampling of the
Place: Hawkins Parnell & Young, LLP 303 Peachtree Street, NE, Suite 4000 Atlanta, Georgia		and Time:	06/14/2021 5:00 p	m
Inspection of Premises: YOU ARE Cother property possessed or controlled by you may inspect, measure, survey, photograph, tes	at the time, date, and loca t, or sample the property of	tion set forth	n below, so that th	ie requesting party
riace.	Bute			
The following provisions of Fed. R. C Rule 45(d), relating to your protection as a per respond to this subpoena and the potential con	rson subject to a subpoena	; and Rule 4	lating to the place 5(e) and (g), relat	of compliance; ing to your duty to
Date: 05/21/2021				
CLERK OF COUR	T O	R	100	Qf
Signature of Cle	erk or Deputy Clerk		Attorney's sig	nature
The name, address, e-mail address, and teleph and Amazon.com Services, LLC		_, who issu	es or requests this	
Willie C. Ellis, Jr.; 303 Peachtree St., NE, Suit	te 4000, Atlanta, Georgia	30308-3243;	wellis@hpylaw.c	om; 404-614-7400

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Pennit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:20-CV-03959-ELR

## PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received	this subpoena fo	Or (name of individual and t	itle, if any) _		
1 (date)					
I serve	d the subpoena b	by delivering a copy to	the named p	erson as follows:	
Certified N	/lail, Return Rec	eipt			
				on (date)	; or
☐ I return	ed the subpoena	a unexecuted because:			
-					
Unless the tendered to	subpoena was in the witness the	issued on behalf of the le fees for one day's atte	United State and	s, or one of its officers or agents, the mileage allowed by law, in the	I have also te amount of
\$					
y fees are \$	0.00	for travel and \$	0.00	for services, for a total of \$	0.00
I declare u	nder penalty of	perjury that this inform	ation is true		
ate:				Communication of the Communica	
				Server's signature	
		<u></u>		Printed name and title	
		-		Server's address	

Additional information regarding attempted service, etc.:

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

## Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

#### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated,

#### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

#### (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

#### **EXHIBIT "A" TO SUBPOENA**

EMPLOYER: Academy Fence Brokers LOCATION: 846 Jefferson Hwy, Winder, GA 30680 Re: Richard Janssen Burnett; Birth Year: 1981

**NOTE A:** These requests shall include any documents in the possession or control of you, your agents, representatives, and, unless privileged, your attorney of

record.

Civil Procedure.

**NOTE B:** These requests are continuing in nature so as to require you to produce supplemental documents as soon as you, your investigators, representatives, and/or agents obtain same or access to same in accordance with the Federal Rules of

NOTE C: The term "documents" refer to all documents and tangible things subject to discovery under the Federal Rules of Civil Procedure, including, but not limited to, any written, printed, typed or recorded material, correspondence, memoranda, notes, reports, ledgers, books, drawings, blueprints, surveys, plats, graphs, contracts, bids, proposals, invoices, receipts, diaries, desk calendars, notes of telephone conversations or other communications, videotapes, audiotapes, or transcriptions thereof, microfilm, photographs, slides, computer diskettes, hard drives, tape backups and other information and data storage devices, electronic mail, computerized data bases, and all other data compilations from which information can be obtained. Documents also include any copy of which a comment, notation or

other addition has been made or which has been otherwise altered or changed in any other manner.

NOTE D: If you claim that any documents are lost, destroyed or privileged,

(i) identify and describe each such document by date, author, and recipient, (ii) provide a brief summary of its contents, and (iii) state the privilege(s) asserted.

The requested documents are as follows:

1.

A copy of your entire personnel file, including but not limited to applications, reviews, wages/hourly rates, overtime pay, per diems, bonuses, evaluations, certifications, benefits, health insurance and/or other medical information, disability or injury claims, discipline history, complaints and leaves of absences and communications with or about **Richard Janssen Burnett**.

2.

Any and all documentation describing the job duties, physical requirements, job descriptions, and job title of **Richard Janssen Burnett** with Academy Fence Brokers.

3.

Any and all other records and/or accounting/personnel/claim documents in your possession related to your professional association, company, employment and/or limited partnership and including any documents to add or separate **Richard** 

Janssen Burnett from any employment or policy,

RICHARD BURNETT,	)			
Plaintiff, v.	) ) CIVIL ACTION FILE NO. ) 1:20-cv-03959-ELR			
AMAZON.COM, INC.; AMAZON.COM SERVICES, LLC; BRASK PET SUPPLY; AND DOES 1-50,	) ) ) )			
Defendants.	)			
RESPONSE TO SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES  COMES NOW, ACADEMY FENCE BROKERS and responds to the				
Subpoena, as follows:				
Please indicate the appropriate response	onse below:			
[ ] Copies of the requested	l materials have been attached.			
[ ] The materials requested	d will be produced at the designated address.			
[ ] The materials requested	d do not exist.			
<u> </u>	AFFIDAVIT			
Personally appeared before a	me, an officer authorized by law to administer			
oaths, came	, who after being duly sworr			
	ne/she is the records custodian for ACADEMY			

FENCE BROKERS; that any and all copies attached hereto are true and correct copies; made at or near the time of the described acts, events, conditions, opinions, or diagnoses; made by, or from information transmitted by, a person with personal knowledge and a business duty to report; kept in the course of a regularly conducted business activity; and it was the regular practice of the business activity to make the memorandum, report, record, or data compilation; and that the attached constitutes all responsive materials requested.

0001

Dated this day of	, 2021.
	Records Custodian for ACADEMY FENCE BROKERS Name:
	(Print)
Sworn to and subscribed before me this day of,	2021.
Notary Public	_

)	
)	
)	
)	CIVIL ACTION FILE NO.
)	1:20-cv-03959-ELR
)	
)	
)	
)	
)	
)	
)	

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the within and foregoing DEFENDANT AMAZON.COM, INC.'S SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES TO ACADEMY FENCE BROKERS was served by depositing in the United States Mail a copy of same in an envelope with adequate postage thereon, addressed as follows:

Frank M. Gaither, Jr.
LAW OFFICES OF McLAUGHLIN &
REAM
365 North Interstate Pkwy, Suite 375
Atlanta, Georgia 30339

William A. Levin
Angela J. Nehmens
LEVIN SIMES ABRAMS, LLP
1700 Montgomery Street, Suite 2500
San Francisco, California 94111

David A. Sleepy CATHY & STRAIN, LLC P.O. Box 689 Cornelia, Georgia 30531

DATED this 21st day of May, 2021.

# HAWKINS PARNELL & YOUNG LLP



303 Peachtree Street, NE, Suite 4000 Atlanta, GA 30308 Tel: (404) 614-7400 wellis@hpylaw.com cwalker@hpylaw.com

Willie C. Ellis Jr.
Georgia Bar No. 246116
Mark Coleman Walker Jr.
Georgia Bar No. 688704
Counsel for Defendants Amazon.com,
Inc. and Amazon.com Services, LLC